IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

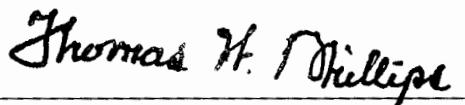|		
RICHARD B. SOUTHMAYD,	)	
	)	Civil Action No.: 3:04-CV-215
Plaintiff	)	
	)	Judges Phillips /Guyton
vs.	)	
	)	
APRIA HEALTHCARE, INC.,	)	(Jury Demand)
	)	
Defendant.	)	
	)	

AGREED ORDER

WHEREAS, upon the Joint Motion to Continue and Extend the Due Dates for All Post-Trial Motions and Matters Pending Mediation [Court Doc. 99] and the agreement of the parties, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 7.1(a), and for good cause shown,

It is hereby ORDERED that the parties' Joint Motion to Continue and Extend the Due Dates for All Post-Trial Motions and Matters Pending Mediation [Court Doc. 99], is GRANTED. The parties are directed to keep the Court informed as to the status and progress of the mediation.

In the event this case is not resolved in mediation, Plaintiff shall have ten (10) days after the mediation is concluded in which to file a Bill of Costs, to move for an award of pre-judgment interest, and to respond to Defendant's Motion for Sanctions Under Tennessee Code Annotated Section 50-1-304(f)(2) [Court Doc. 91/92], Defendant's Motion for New Trial or, in the Alternative, for Remittitur [Court Doc. 93/94], and Defendant's Motion for Judgment as a Matter of Law or, in the Alternative, for a New Trial [Court Doc. 95/96], and Defendant shall have ten (10) days after

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the mediation is concluded in which to respond to Plaintiff's Motion for Attorneys' Fees [Court Doc. 90].

ENTER:

Thomas H. Phillips
_____
United States District Court Judge

AGREED TO AND APPROVED FOR ENTRY:

s/ Ellison F. McCoy
_____
Paul H. Derrick, BPR No. 14821
Ellison McCoy, Esq. (*pro hac vice*)

JACKSON LEWIS, LLP
One Liberty Square
55 Beattie Place, Suite 800
Greenville, SC 29601-2122
(864) 232-7000

Attorneys for Defendant

s/ Kevin B. Fox
_____
Kevin B. Fox, BPR No. 14851
Katherine A. Young, BPR No. 17178
Dale J. Montpelier, BPR No. 17125

MONTPELIER & YOUNG, P.A.
321 Ebenezer Road
Knoxville, Tennessee 37923
(865) 673-0330

Attorneys for Plaintiff

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